

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, March 19, 2024
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - ROSARITO BEACH HOTEL, BLVD. BENITO
JUÁREZ 31, ZONA CENTRO, 22700 PLAYAS DE ROSARITO, B.C., MEXICO

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – VACANT
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

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*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1618484137>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 848 4137**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council’s consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Report from Closed Session:

The Council convened in closed session on March 18, 2024 and approved a settlement in the matter of *Jay v. City of Berkeley et al.*, Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

The City Council met in closed session on March 18, 2024 and provided direction to outside counsel and approved a settlement by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

Roll Call: 6:07 p.m.

Present: Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin

Absent: Bartlett

Councilmember Bartlett at 6:13 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourned in Memory of Heather Reimer, Berkeley Resident
2. Recognition of the Rematriation of the Shellmound by Corrina Gould
3. Recognition of Mt. Zion Missionary Baptist Church's 78th Anniversary
4. Recognition of Elsa Tranter, Berkeley Activist and Environmentalist
5. Presentation: AC Transit Update on the Durant Quick Build Project

City Manager Comments: None

City Auditor Comments:

The City Auditor provided updates on the Audit Status Reports in Item 10 and Item 13 under the Information Reports.

Public Comment on Non-Agenda Matters: 20 speakers.

Recess 7:17 p.m. – 7:31 p.m.

Consent Calendar

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and allow for a 30-minute public comment period on the Consent Calendar with one-minute per speaker.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

A. Acquisition of Real Property Located at 1900 Fourth Street *(Continued from March 12, 2024)*

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,899–N.S. authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

Action: Adopted second reading of Ordinance No. 7,899–N.S.

Consent Calendar

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 19, 2024

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: General Fund - \$120,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

Consent Calendar

- 2. Contract No. 32200150 Amendment: Range Maintenance Services LLC for Indoor Range Cleaning**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200150 with Range Maintenance Services LLC to perform indoor range cleaning services from \$45,000 to an amount not to exceed \$150,000 extending from January 8, 2024 to December 1, 2028.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,238–N.S.
- 3. Contract No. 108090-1 Amendment: IPS Group, Inc. for Parking Management System, Parking Meter Maintenance, and Conversion to Pay-by-Plate Pay Stations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 108090-1 with IPS Group, Inc. to: -Extend the contract from June 30, 2024 through June 30, 2026 for IPS Group, Inc. to continue servicing parking meters and providing replacement parts; - Provide 225 new multi-space pay-by-plate stations to replace the existing multi-space pay-and-display stations in the City; and - Increase the contract amount by \$3,865,300 for a total contract amount of \$12,790,172.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,239–N.S.
- 4. Contract No. 115731-1 Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Extending Parking Access and Revenue Control System Maintenance Services and Warranties**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 115731-1 (Contract No. 10661B in FUND\$) with SKIDATA, Inc. (formerly Sentry Control Systems) to provide critical maintenance services and warranties for parking access and revenue control system equipment nearing the end of its useful life in the City's three parking garages -- Center Street, Oxford and Telegraph Channing -- extending the term by two years to June 30, 2026 and increasing the contract amount by \$919,815 for a total not-to-exceed of \$2,915,355.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,240–N.S.

Consent Calendar

- 5. Grant Application: GFO-23-606 - Charging Infrastructure for Government Fleets**
From: City Manager
Recommendation: Adopt a Resolution: Authorizing the City Manager or their designee to submit a Grant application in response to the California Energy Commission's solicitation GFO 23-606 Charging Infrastructure for Government Fleets Grant Program for City electric vehicle (EV) charging infrastructure projects; Authorizing the City Manager to sign a Letter of Commitment for the local matching funds; and Referring the required local match, 30% of the total project cost, to the FY 2025-2026 Budget process for consideration of the City's General Fund (Fund 011).
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,241–N.S.
- 6. ***Item Removed by the City Manager*** Purchase Order Extension Authorizations for Critical Vendors of Equipment Maintenance Parts and Services for Multiple Departments**
From: City Manager
Contact: Andrew Murray, Public Works, (510) 981-6300
- 7. Purchase Order: Owen Equipment Sales for One Combination Storm Sewer Cleaner**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract #101221-VTR and authorizing the City Manager to execute a purchase order for one (1) Combination Storm Sewer Cleaner with Owen Equipment Sales in an amount not to exceed \$665,000.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,242–N.S.
- 8. East Bay Hills Wildfire Prevention Coordinating Group Representative Selection**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution to appoint Vice Mayor Susan Wengraf as the City of Berkeley's Representative Member to the East Bay Hills Wildfire Prevention Coordinating Group, and Councilmember Mark Humbert as the Alternate.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,243–N.S.

Action Calendar – New Business

9. **Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**
From: City Manager
Recommendation: Adopt a Resolution approving a Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities (equipment) by private telecommunication companies on City owned and maintained streetlight poles in the public right-of-way.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: 24 speakers. M/S/C (Hahn/Humbert) to adopt Resolution No. 71,244–N.S. approving a Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities (equipment) by private telecommunication companies on City owned and maintained streetlight poles in the public right-of-way.
Vote: Ayes – Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Information Reports

10. **Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight**
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Received and filed.
11. **LPO NOD: 2144 Shattuck Avenue/#LMSAP2023-0007**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
12. **LPO NOD: 2274 Shattuck Avenue, #LMIN2023-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
13. **Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded**
From: City Manager
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Received and filed.

Adjournment

Action: M/S/C (Wengraf/Hahn) to suspend the rules and adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Adjourned at 9:00 p.m.

Communications

Traffic Safety

1. Jeannette MacMillan
2. Ana Vasudeo
3. Arun Dixit
4. Cara Pine

Train Noise

5. David Lerman (2)
6. Lino Ancheta, on behalf of City of Berkeley's Environmental Health

Berkeley Landfill at Cesar Chavez Park

7. Claudia Kawczynska

Support for Adding Prohibiting Discrimination of the Basis of Family or Relationship Structure to BMC Code 13.22

8. The Woodhull Freedom Foundation

Bike Plans

9. Walk Bike Berkeley

Restoring Old City Hall and Veterans Buildings

10. Berkeley Architectural Heritage Association

Berkeley Measure H

11. Barbara Gilbert

Alta Bates Hospital

12. Dorothea Dorenz
13. Lisa Chow

Surveillance Cameras

14. Police Accountability Board

North Berkeley BART Bonds

15. David Lerman

SB 330 and Downtown Theaters

16. Virginia Warheit

People's Park

17. Moni Law (2)

Affordable and Middle Housing

18. Kaden Nguyen

19. Owen Thompson-Lastad

Hate Crimes

20. Atalea Jacob (2)

Fire Alarm Issue at 2510 Bancroft Street

21. Marlo De La Mora

URL's Only

22. Vivian Warkentin

Gaza and Israel

23. Christina Harb

24. Kaizen8forever@

25. James Mcfadden

26. Hannah Schlacter

27. Autumn Goldstein

28. Barbara Erickson

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Ceremonial Matters

29. Presentation, AC Transit Update on the Durant Quick Build Project

Item #A: Acquisition of Real Property Located at 1900 Fourth Street

30. Alex Sharenko

31. Jessica Abbe

Item #9: Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way

32. Janice Schroeder (2)

33. Clifford Fred

34. Greenfire Law PC

35. Connie Anderson

36. Carol Hirth

37. Wanda Warkentin

Supplemental Communications and Reports 3

Item #A: Acquisition of Real Property Located at 1900 Fourth Street

- 38. Diana Bohn
- 39. Elana Auerbach
- 40. Lucy Gill, on behalf of the University of California at Berkeley
- 41. Rev. Niels Teunis
- 42. KGO-TV
- 43. Mayor's Office
- 44. Berkeley Community Safety Coalition, Latinxs Unidos de Berkeley, Office of the External Affairs Vice President of CAL, Indigenous People's Day and The Network of Spiritual Progressives

Item #9: Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way

- 45. Glen Kohler
- 46. Dawn DelMonte
- 47. Jane Stillwater
- 48. Cat Zavis
- 49. Elana Auerbach
- 50. Meaveen O'Connor
- 51. Kelly Hammargren
- 52. Sara Sunstein
- 53. Phoebe Thomas Sorgen
- 54. Jason Winnett
- 55. Jose Franklin Arau
- 56. Gar Smith
- 57. Cynthia Rahav
- 58. Wade Skeels
- 59. Sofia Pavlova
- 60. Cate Leger
- 61. Maxina Ventura
- 62. Thomas Luce
- 63. Anne Herrick

Item #12: LPO NOD: 2274 Shattuck Avenue, #LMIN2023-003

- 64. John Haracz

Miscellaneous Communications

- 65. Daily Planet 2010, submitted by Mr. Eid
- 66. Restrooms in Right-of-Way – Channing & Telegraph Avenue, submitted by Greg Dabel